

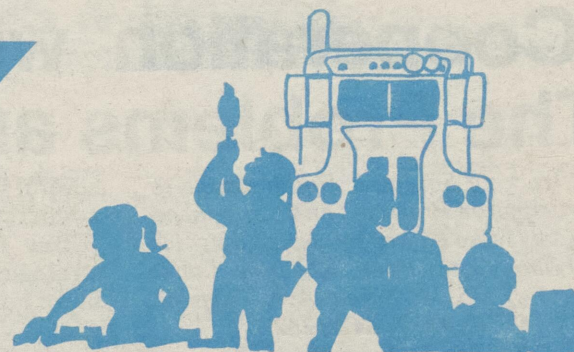
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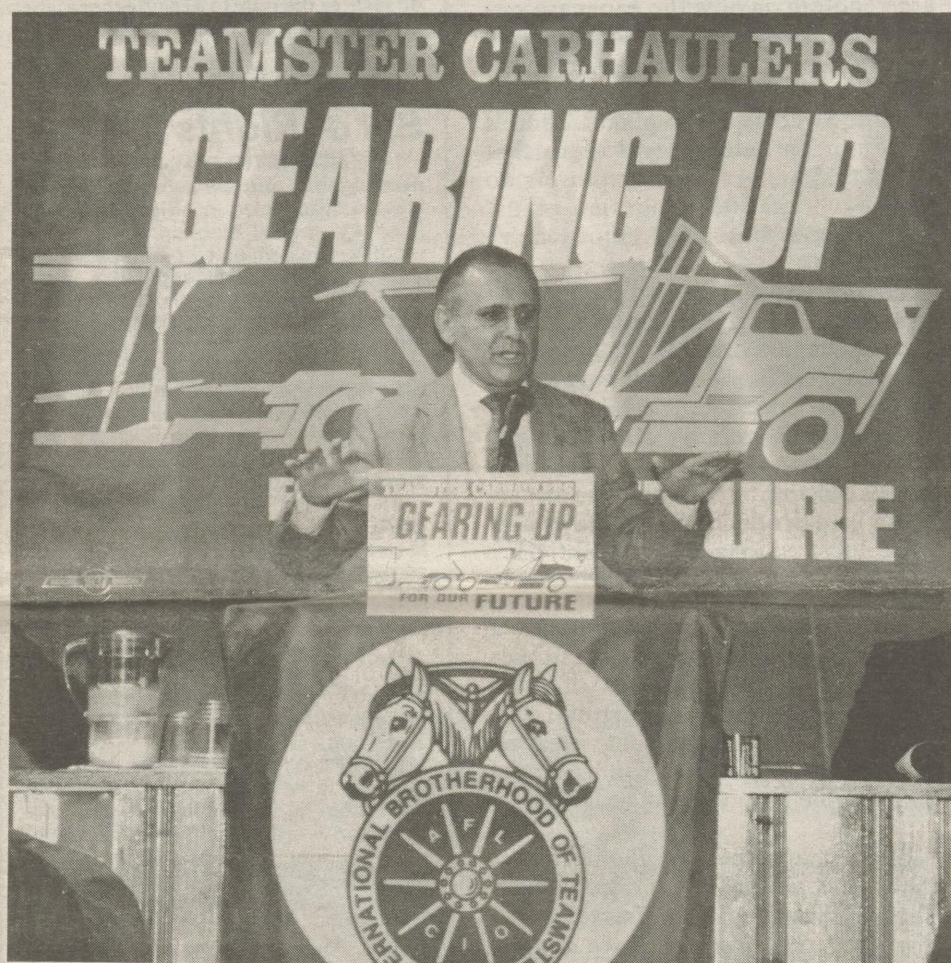
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TEAMSTER **CONVOY** **DISPATCH**



VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

March 1995 #139



Ron Carey addresses members in Atlanta Local 528. Carey told the crowd, "You wanted a union that would take on employers when our jobs are threatened. You wanted an end to waste and corruption. You wanted a union you can be proud of. But those changes can't be made just at the top. It takes your involvement ..."
See article page 5.

1995 TDU Rank & File Convention

October 13-15
Henry VIII Hotel
St. Louis

The battle for the Teamsters union is on. Soon locals will be electing delegates to the 1996 International Convention, delegates who will determine our union's future.

If you want to be part of shaping that future, make plans now to be at the TDU Rank & File Convention, October 13-15 in St. Louis.

Overnite Campaign at Crucial Point

The Overnite organizing drive continues to spread, and has now entered a crucial stage. In March and April some 2,000 Overnite employees will get a chance to vote on joining the Teamsters.

Recent results include one victory and a setback. The victory was in Minneapolis on Jan. 31. On Feb. 14 Overnite employees in Bensalem, Pa., voted narrowly against the union, in an election marred by a list of irregularities and illegal tactics by the corporation. Unfair labor practice charges were filed with the NLRB;

the union believes a new election will be ordered soon.

In addition to the 11 unionization votes set for March, 16 additional areas have filed with the NLRB for elections, most of which will likely be set for April. Most Overnite employees in Ohio, Kentucky, West Virginia, Indiana, Wisconsin and Michigan will be voting, and so will some terminals in Missouri, Tennessee, Pennsylvania, Virginia, New York, New Jersey and Illinois.

continued on page 4

Truckers Unite **RALLY!**

Saturday, March 11, 4:30 p.m.

Kentucky Fair & Exposition Center
South Wing A Conference Center
937 Philips Lane, Louisville, Ky.



THE TEAMSTERS ARE ON THE MOVE!

Teamsters for a Democratic Union
P.O. Box 10128
Detroit, Mich. 48210
(313) 842-2600

This paper is paid for and distributed by concerned Teamsters. We invite you to do your part—join TDU to help improve our union. See application form on back page.

UNION SOLIDARITY

New Book from Labor Notes

'Cooperation' with Management: The Problems and How to Fight Them

"Working Smart: A Union Guide to Participation Programs and Reengineering," by Mike Parker and Jane Slaughter. A Labor Notes Book. \$22 from Labor Notes, 7435 Michigan Ave., Detroit, Mich. 48210. (313) 842-6262.

Review By Peter Rachleff

This book is scary, on two counts. Management's plan for the New Workplace Order are laid out in all their macho glory: two consultants recommend "a bloody axe" and "shoot the stragglers." "You can either get on the train or we'll run over you with the train," they warn reluctant workers. The bottom line of reengineering is the elimination of many jobs—and the intensification of the ones that remain.

The second scary part is what can happen to unions that go along with the notion of a "win-win" solution for workers and bosses in this New Workplace Order. More than jobs are lost. The case studies in "Working Smart" show graphically the decline of

several unions whose leaders adopted cooperation as their philosophy.

But ultimately, this book is a strategies manual, and that makes it more hopeful than scary. The authors' goal is clearly to give us tools for action. While Chapter 16 provides a checklist of all the hidden dangers of participation programs that can trap the unwary union member, chapters 31-36 tell us what we can do about it—and what people like us are already doing.

What I liked best about "Working Smart" is its emphasis on rank and file union members taking action and responsibility. Throughout the book the focus is on workers organizing themselves from the ground up, whether it's to take over a "team" set up by management or to impose their own version of workplace reorganization on management. Case study after study gives us hope for the future.

These are anything but dry accounts.

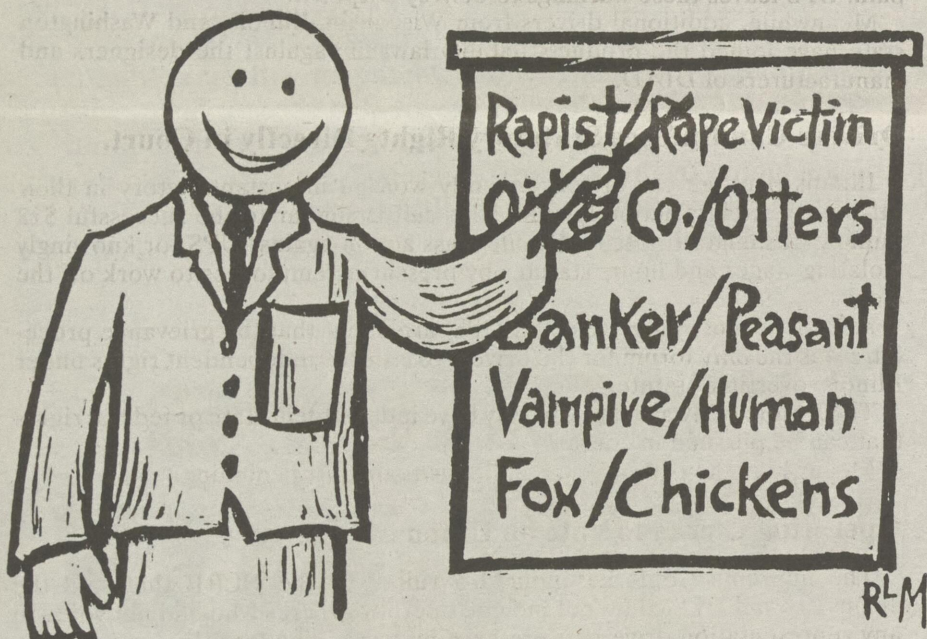
The book is worth buying for the dozens of cartoons alone, especially the brand new ones by Ricardo Levins-Morales of Northland Poster Collective which give a whole new twist to the ever familiar smiley face.

Lots of workers will find their industries represented in the case studies, including Teamsters. There are chapters on how the Japanese system is changing in Japan, how the team concept works in Mexico, and on what really happened in the supposedly humane Swedish Volvo plants. There's a chapter on unions' legal rights that shows that a lot of what employers do with participation programs is just plain illegal, but most unions don't challenge it.

There's also a great section on "lean production" or, as the authors call it, "management by stress." It shows how this supposedly modern innovation is really just speed up; getting rid of waste means getting rid of either workers or workers' rights. And then there's the antidote—a chapter on surviving lean production that shows how three local unions have fought back against this strenuous production system.

Besides Parker and Slaughter, 21 other authors contributed case studies to "Working Smart," most of them union members on the front lines. You're not just getting some abstract recommendations here. You'll find out what people have done in real life.

Peter Rachleff teaches labor history at Macalester College in St. Paul, Minn. He recently wrote "Hard Pressed in the Heartland: The Hormel Strike and the Future of the Labor Movement" and is the chairperson of the Twin Cities-based Meeting the Challenge Committee, which organizes labor educational conferences and events.



"Our workplace cooperation philosophy can easily be applied to other areas of conflict."

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How to Contact TDU

We want to hear from you. Contact us at the address below for more information about TDU, or to send us articles or letters concerning Teamster-related issues.

National Office: P.O. Box 10128, Detroit, Mich., 48210. (313) 842-2600.

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Bilal Chaka, Long Beach, Calif., Local 692

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 1994 for one year. Our Rank & File Convention had nearly 600 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

UNITED PARCEL NEWS

Teamster Leaders Meet To Discuss UPS Contract Enforcement

Over 100 Teamster leaders from locals representing UPS members met in Palm Springs, Calif., the week of Feb. 20-23 to discuss contract enforcement. With UPS moving on many fronts to undermine the integrity of the contract, the IBT sees a greater than ever need to coordinate all levels of the union behind a plan of contract enforcement. What follows is a report of several of the items discussed throughout the week.

Over-70 Pound Arbitration

This case will go before the arbitrator on March 9 and 10. Due to the complexity of the issues involved it is expected that this could drag on for a while. In order to strengthen their case in this arbitration, the union is asking all local unions and members to send any grievances related to UPS violations of the settlement agreement and all reports of injuries due to the handling of overweighters to Carolyn Kaminski at the IBT Parcel and Small Package Trade Division.

Subcontracting

UPS has been violating the subcontracting language of the contract right and left. Given their determination to cheat whenever possible, the only answer is to catch them at it. The wholesale violations began in a big way during the peak season. Mario Perrucci emphasized that it will be incumbent upon all local unions to meet early with local UPS management next year to

review their Christmas plans to guarantee that sufficient hiring is forced to take place so that subcontracting becomes unnecessary. As the old adage says, "A failure to plan on your part does not constitute a crisis on my part." Wouldn't UPS be the first to tell us that?

Even after peak season, subcontracting violations are widespread. The IBT needs everyone's cooperation to end them. In many areas the company is attempting to bluff the local unions by saying that you can only grieve a subcontracted load if you are at the point of origin. The International's position? "Don't buy it!" If you see it, grieve it. As a matter of fact, if you see a broker, do not just assume it's a three-day select — odds are it is not.

It is imperative that you get as much information as possible (direction, destination, company name, time, trailer numbers) and immediately notify your local union and the Small Package Division of the International (to the attention of Dennis Lazo). Grieve it now; they can sort it out later.

Helpers

In many areas UPS is trying to eliminate full-time jobs by putting helpers on package cars. Their ability to do this is determined by the language in the supplements. In some Eastern cities, UPS has had language allowing them to do so dating back to the days when UPS was a retail operation. However, even there UPS is trying to cheat. A helper is someone who rides along in the package car and helps deliver the packages. Now UPS wants to redefine the term to allow them to drop a trailer at a mall and have part-timers do all the deliveries. The union's position is that this is completely unacceptable.

Most supplements either have no language dealing with helpers or restrict them (as in the Southern region) to peak season only. UPS asked for language allowing for helpers in the last two national contract negotiations and failed to get them, seriously weakening their position in terms of the intent of the contract language. In the Central States Supplement members still have the right to strike over deadlocked grievances and this should be considered in regard to the helper issue.

Perrucci was particularly stern in warning local unions not to enter into separate agreements allowing for the use of helpers. He instructed the local leaders to refuse any UPS offers of local deals and work through their supplemental negotiating committees, who in turn must coordinate any bargaining with the International.

continued on page 4

UPS & Downs

Heck of a Cruise.

In January Dick Heck, Central Region Grievance Committee chairman, sent out a letter on Teamster letterhead to all Central region local unions and employers announcing "a fun filled dinner cruise aboard the Discovery I ... shipboard activities include TRI-LEVEL CASINO, CABARET SHOWS, JACKPOT BINGO, LIVE CALYPSO BAND, HORSERACING, a DISCO and a SUMPTUOUS BUFFET DINNER."

What a terrific impression that has to make on some poor Teamster who got fired. First you have to travel all the way to Florida for your grievance, then you see the union reps have a joint party cruise with the management reps that fired you.

After the embarrassing letter got around the union (with a little help from TDU) Heck sent out another letter saying that the cruise was a promotion of the hotel and not sponsored by the union.

DIAD Injury Developments.

Several drivers contacted us about their wrist, elbow and forearm injuries following our article, "DIAD Injuries Spread" (Dec. 1994/Jan. 1995 *Convoy Dispatch* #137).

UPS has recognized the problem in a slick, color pamphlet entitled *DIAD User Guide* (Nov. 1994). The pamphlet tells drivers to "place the DIAD on a readily available support surface" and to "always stand directly in front of the DVA whenever you retrieve or replace the DIAD." You know UPS does not tell drivers to take *more time* when working unless there is a very serious problem. However, the *DIAD User Guide* neglects to discuss the risk of permanent, irreversible injury and fails to tell drivers to seek medical help *at once* whenever they experience hand, wrist, elbow, or arm numbness or pain. UPS leaves these warnings to *Convoy Dispatch*.

Meanwhile, additional drivers from Wisconsin, Illinois, and Washington state have joined the products liability lawsuits against the designers and manufacturers of DIAD.

Drivers Can Enforce Statutory Rights Directly in Court.

Illinois package car drivers recently won an important victory in their off-the-clock class action lawsuit. This suit is similar to the successful \$12 million Washington state *Personette* class action against UPS for knowingly violating wages and hours statutes by pressuring employees to work off the clock.

A Cook County judge rejected UPS' argument that the grievance procedure was the *only* forum for the drivers to enforce independent rights under Illinois' overtime statute.

The lesson: be aware that you may have independent state or federal rights that can be pursued in court.

Meanwhile, the drivers' class action is really just beginning.

Operating Clerks to Vote on Union Status.

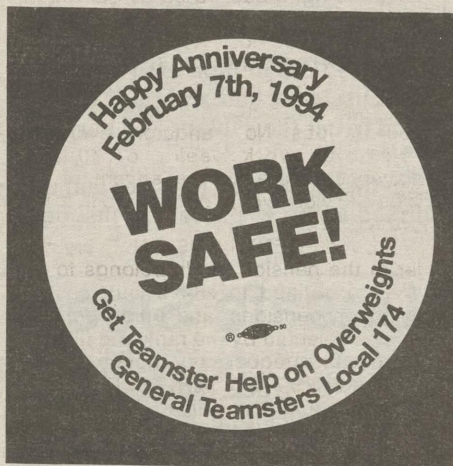
The Supreme Court has upheld a ruling by the NLRB that said the Teamsters and UPS could not include operating clerks who had not voted in any representation drive in a pre-existing bargaining unit. In a case dating back to the 1979 agreement, the NLRB found that just because the company and the union have the impression that a majority of the workers want a union, that is not enough reason to automatically incorporate them into an existing bargaining unit without a vote.

As a result of this case, originally filed back in 1987, 1,900 UPS operating clerks, in 109 local unions will vote in March on whether or not to remain Teamsters. The company has promised a "hands-off" attitude toward the vote and the IBT will be providing campaign materials to the locals. Teamster officials are optimistic about the expected outcome.

Oh! Oh! Oz Has an Idea!

In the January/February 1995 issue of *Inside UPS* Oz Nelson tells us that because of the lower labor costs of nonunion competitors, UPS has to be more efficient and provide superior service. Fair enough. But then he goes on to say, "...we want to make the necessary adjustments now, while we are still financially sound. AT&T is a good example of a company that is reducing costs, improving processes, and changing its corporate culture, while still posting healthy profits."

What Oz neglects to tell you is that these changes at AT&T have resulted in the loss of 140,000 good union jobs from 1986 to 1993. Profits before people isn't exactly a new idea, Oz.



Happy Anniversary

On Feb. 7 UPSers in Seattle Local 174 celebrated the one-year anniversary of their health and safety walkout. Rank and filers went to work wearing stickers (pictured above). Part-timers wore them all day, and many stickers found their way onto lunch boxes, walls, bathrooms and breakrooms, much to the chagrin of management.

The rank and file had a very good time with the stickers (provided by Local 174). Management was not similarly amused. Earlier, the local had presented a UPS stewards meeting with a "Happy Anniversary" cake.

FREIGHT NEWS

IBT Ends Rider with NationsWay

The International union and NationsWay (formerly North West Transport) have ended the experimental regional agreement in the southern region. The full National Master Freight Agreement is now in effect.

260 New Jobs

The International called the agreement a solid success, as NationsWay established nearly 20 new terminals in the South and created 260 new jobs in the 18 months of the agreement. Reportedly the company wanted to continue the rider, but the IBT freight division decided it had served its purpose and it was time to end it.

The agreement allowed the carrier to pay 80-85 percent of NMFA scale for regional freight, in exchange for opening up and expanding in the South on a union basis. There are virtually no union regional carriers in the South.

The agreement was ended retroactive to Oct. 1, 1994, 18 months after it took effect. Those Teamsters who were still covered under the deal now go to

85 percent of scale, retroactive to Oct 1, and will reach full scale on April 1, 1996.

Overnite

continued from page 1

The drive continues to build and spread, with more Teamster members joining in as volunteers in a trucker-to-trucker approach. Our union needs to not only win some representation elections now, but continue to build a union presence and momentum at Overnite for the long haul.

On March 11 a rally for Overnite employees and Teamster members will be held in Louisville, Ky., featuring Teamster President Ron Carey. Teamsters in the Kentucky-Ohio-Indiana-West Virginia area are invited to attend. The rally will be just days before votes in Louisville, Lexington, and London, Ky.; Charleston and Parkersburg, W.Va.; Detroit; and Toledo, Ohio.

Leaders Meet to Discuss UPS Contract Enforcement

continued from page 3

Team Concept

In an ever-increasing number of buildings and centers across the country UPS is testing and implementing its version of "team concept." It is predicated on a study by Cooper and Lybrand of New York, who have done similar consulting work for Saturn and General Motors. Their study concluded that 85 percent of what management does is audit time and does not help the customer in any way. To free up management's time and reduce the number of supervisors, UPS intends to have our drivers and part-timers do much of the training of new workers, new drivers, vacation coverage, safety training, annual rides and customer contact.

While their study reaches conclusions that most of us have known for a long time—that under the current system most UPS supervisors are next to useless, their new plan has more

negatives than pluses for members.

Wide-spread experience throughout the labor movement (see article page 2) has shown that these team concept schemes are little more than management's attempt to undermine and weaken the union. Derisively referred to as "circles of joy" at the Palm Springs conference, the union is opposed to this new UPS initiative.

The implementation of team concept programs is a mandatory subject of bargaining. The IBT has demanded to meet with the company over the issue, and a top level meeting with chief company negotiator Dave Murray and UPS VP Jim Kelly is planned for Feb. 28. The union's position at that meeting will be that it is not interested in participating in a team concept program—we have a collective bargaining agreement and that's what we intend to go by. Locals were urged to send all information they had from their early experiences with these programs into the Parcel and Small Package Division.

UPS Rank & File Daily Log Book

A must for package car drivers. Keep the record straight with the charts in this durable, spiral-bound notebook. Helps you to keep track of all the details that affect your job at UPS. Each book lasts three months and provides ample room for your notes. \$2.50 each; \$2 each for 5 or more copies.

Please send me _____ logbooks. ☐ check enclosed

☐ Visa/Mastercard # _____ Exp. date _____ / _____

Signature _____

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Return to: TDU, Box 10128, Detroit, Mich. 48210

Freightlines

Roadway's Automated Dock.

According to reports from Teamsters who work the dock, Roadway's \$21 million automated freight handling system at the Winston-Salem, N.C., terminal has a long way to go to be cost efficient. "It'll be a long time before that system ever sees wide use," one dock worker predicted.

Roadway has made a major investment in the system, which has been running for a year now at the Winston-Salem breakbulk. It uses barcoded freight and overhead conveyors combined with gravity chutes that come down near the trailer doors. The goal is to move cross-dock freight quickly and with less handling.

If this kind of operation becomes cost-effective and spreads, it will inevitably mean a push to eliminate some Teamster dock jobs, and very likely a push for more productivity-paced work, *a la* UPS. However, at this point dock workers say that's not happening much more than at the old dock.

The system has a lot of bugs: damaged cartons, jams, and some work-hours lost to waiting for freight. The terminal is still operating in the red.

Still, Roadway seems determined to make it work, and it's something that Teamsters and our union have to prepare for.

Union, Roadway Agree on Stock Incentive.

After the Teamsters union secured some adjustments, the IBT agreed to permit implementation of the Roadway Stock Incentive Plan to reduce damaged, short or delayed freight. The plan will pay a bonus (in Roadway stock) at the end of the year to all Teamster employees if the total lost revenue decreases from the previous year.

The union gave up nothing in return for the possible bonus. There is no change in the contract.

A concern is that this kind of program will be used by Roadway to rebuild the "team" program that is designed to make Teamster members more loyal to management than to our union. Those programs at the big three carriers were killed or diminished when the employers forced a strike last April.

Big 3 Lost Big Bucks in Strike.

Yellow, CF and Roadway 1994 financial reports show major losses due to the 24-day strike in April. At the same time all three made substantial profits in their regional (mostly nonunion) subsidiaries.

All three carriers had tonnage for the year down six to seven percent from 1993, primarily due to the strike. In terms of profits after taxes, all went from profit to loss in their long-haul divisions. CF Motor Freight went from a \$32-million dollar after-tax profit in 1993 to a \$47-million loss in 1994, a net change of \$79 million. Roadway posted a similar change, with Yellow's swing from profit to loss being less drastic.

It appears that the Big 3 combined lost close to \$200 million in profits due to the strike. This figure illustrates both the muscle we had and their determination to bust us before they finally decided to cut their losses and bargain reasonably.

All three corporations made major gains in their regional, logistics and air freight operations. Con-Way's revenues jumped up by 32 percent in just one year.

Sleeper Cabs: An Unsafe Sleep

John Platt

Local 150

Sacramento, Calif.

The January *Convoy Dispatch* reported on the National Transportation Safety Board (NTSB) study linking driver fatigue to 40 percent of fatal truck accidents. The study specifically pointed to sleeper-cab operations, at a time when the major Teamster companies are expanding their sleeper operations.

The NTSB cited evidence that "sleep accumulated in short time blocks impedes" the ability of drivers to recover performance. It is virtually impossible to stay asleep in a berth when the trailers are exchanged at break points, and this is what happens in a typical LTL freight operation.

The report did not address an important issue: the lack of comfortable

equipment so necessary to obtain sleep in a moving truck. For example, CF uses front axles that are designed for off-road construction work and do not even equip their tractors with shock absorbers when the industry standard is air ride suspension.

The Teamster National Safety Committee needs to address the practices of the freight carriers, especially equipment on sleeper cabs as provided for in Article 16 of the NMFA.

In the meanwhile, companies that require Teamsters to drive while fatigued can be curtailed by use of the provisions of the Surface Transportation Assistance Act (49 USC App 2305) which has consistently been used to uphold the right to refuse to operate equipment due to fatigue. Information on the STAA can be obtained from the TDU office.

CARHAUL NEWS

Negotiations Off to Slow Start

Carhaul negotiations have gotten off to a slow start due to the employer representatives' preoccupation with a nearby golf course. The Jan. 30 meeting in Florida ended with no serious bargaining taking place.

Hopefully the employers will take the negotiations seriously soon. If we have to negotiate from a picket line this summer, they'll wish they took care of business earlier.

Employers' Offensive

Issues important to carhaulers concerning job security, pension, competitiveness, whipsawing and an improved grievance machinery are being challenged by the employers who want to increase whipsawing of locals, erode job protection and increase

"flexibility." In short, they want to gut some very important protections in our current collective bargaining agreement.

The survey conducted by the International found that the six major concerns of carhaulers were:

- pension improvements
- job security
- protecting H&W benefits
- wage increases
- cost of living protection
- split deliveries/skid drops.

At the TDU Convention last October many of these same concerns were highlighted by the Carhaul Committee. Other areas of concern included slip-seating, banking weekend hours for H&W benefits, and ending different pay structure/same pay for

ABC dispatch. Many agreed that much of the language in the contract was confusing causing enforcement problems.

With the agreement due to expire May 21, it is important that carhaulers unify in support of our negotiating committee and at the same time let us hear from you about your concerns. The fight, as always, is fought by rank and file Teamsters.

Leaders in any contract campaign know that nothing is won without your support and input. The employers know this as well. So get involved! Call the TDU office at (313) 842-2600 and learn how.

The February issue of *Convoy Dispatch* contained a summary of both the union and employer proposals. For a copy of the initial bargaining

proposals, contact TDU. Free to TDU members, others include donation. Be sure to indicate the supplement you are under.

Carhaulers Gear Up for Contract Fight

Carey Addresses Atlanta Local 528

Carhaulers in Atlanta are on board the national contract campaign. As part of the "Gearing Up For Our Future" campaign, Ron Carey came to Atlanta Local 528 on Feb. 14 to talk with carhaul members about the contract.

This is not how past leaders like Ernie Tusino dealt with carhaul contracts. But now the members are involved, especially since the reform movement swept Local 528. Now the local works in cooperation with the International rather than trying to undermine the Carey administration. The membership wins, but only if we get involved.

When the Carey administration took office in 1992, carhaul negotiations had been lingering for nearly a year. It took creative pressure to get the negotiations moving in the last agreement. It's going to take that same kind of mem-

bership pressure to get management off the golf course and back to the bargaining table in this contract.

It's going to take leadership. But most of all, it's up to us, rank and file Teamsters, getting involved in our contract fight.

"Gearing Up for Our Future" hats, buttons, and posters are some of the tools we can use to send management the message that we won't settle till we get an agreement that protects jobs, improves pensions, and deals with our serious concerns.

We need to prepare now for new tactics, like collecting information on car dealerships, signing up as a volunteers for the campaign and building support in the community. Ron Carey does his part by coming out to get our views and taking them to the table. It's up to us to do our part to build a strong campaign for a good contract.

Former Atlanta BA Sick for 15 Years!

Ousted business agent Charles Edwards, who lost his job when reformers took over in Atlanta Local 528 earlier this year, has found his former employer much more sympathetic to his plight than the membership.

Complete Auto Transit claims that Edwards was on sick leave and therefore entitled to be put back in his rightful seniority spot. Ron Borges, Vice-President of Labor Relations at Ryder, argues that Edwards left full-time employment with CAT in 1981 marking off sick! Borges also contends that the company never questioned Edwards' status during his leave of absence.

Local 528 members have suspected for a long time that there was something wrong with Charlie. Now we know. He has suffered a 15-year illness

caused by following too closely behind management bent over in a forward position with puckered lips! A malady that is common amongst the old guard.



Driveaway: The Forgotten Teamster?

Ask any driveaway Teamster and they will tell you they feel like the stepchild of the carhaul contract. It's time for that situation to change.

Prior to the 1976 contract the mileage and hourly rates were set by the National Driveaway Supplement and all employers abided by that rate. In 1976 the employers were allowed to negotiate the mileage rates and hourly pay of driveaway members separately with each local.

It was the growth of the nonunion sector in the driveaway industry that allowed employers to create this situation. It doesn't take much capital investment to get into the business. But the problem was made worse by a lack of action from the Teamsters union, or a cozy relationship with Jupiter.

The results were massive whipsawing by the employers and disparity in pay rates. In 1991 the National Driveaway Supplement once again set the hourly and mileage rates and established a national minimum rate. This did not, however, change the disparity in the pay scale that was created from years of negotiating locally.

Driveaway Teamsters only voted on the minimums and increases in the National Supplement. The lack of uniformity in driveway rates has caused much bitterness amongst driveaway members.

Teamsters at some small terminals are looking for solidarity in this contract from the large units, which have a higher pay rate. United we stand!

The union committee headed by Ron Carey and co-chaired by Carhaul Director Ron Owens is currently negotiating with the employers. Many driveaway Teamsters are hoping for wage parity and are looking to our National Negotiating Committee for support and leadership.

Driveaway Teamsters need to be heard and need to be united in this contract battle.

A brief outline of the unions proposals are listed below. Keep in

mind these are the union's initial bargaining position. For a copy of the proposals, contact TDU.

- Eliminate the Driveway Supplement and make driveaway part of the appropriate supplement.
- All stewards will receive 20 hours pay per month, regardless of the number of employees.
- Pay for time spent going to P/U units that are not in the direction of home terminal.
- New language prohibiting dispatch of foreign drivers while domiciled drivers are laid off.
- Better vacation language allowing for one day increments.
- Improved language on Pension and H&W benefits, such as: require employer to pay contributions 30 days after lay off; establish a "bank" for benefits and new language requiring contributions to be paid on days spent returning from trip and for days signed in but not dispatched.
- New language addressing return transportation abuse.
- Pay for filling out trip sheets at regular hourly rate.
- Language improvements in Article 59. Accessorial Charges.
- Article 60. Drivers will be paid hourly rate for layovers, including those caused by running out of hours.
- Article 61. Numerous language improvements establishing new rates and reestablishing others. New language providing for advances of up to 50 percent of what trip pays and miles to be paid according to AAA most practical route and not the shortest route.
- Article 64. Driver Utilization. Add language to Sec. 3 providing that foreign drivers who work on overflow are to be placed at the bottom of the board and not on a separate board.
- Article 65. Modify to pay time and one-half when called in for Saturday work regardless on other days worked during the week.

INSIDE OUR UNION

Trustees Campaign Against Carey

Truth or Smokescreen?

The three trustees of the IBT are engaged in a smear campaign against Ron Carey and the General Executive Board (GEB), as shown by a review of the facts involved in the dispute. The trustees' actions are part of the campaign of the Real Teamster Caucus (also known as the Royal Teamsters) to unseat Carey and the GEB and put the old guard back in power.

Under the IBT Constitution, the trustees have one job—to make sure the the General Secretary-Treasurer is following proper accounting principles and that expenses and income are properly recorded.

In a letter that the old guard mailed to every local union in January, the trustees admit that the books and records "were kept in accordance with generally accepted accounting principles."

But in recent letters to the International, the trustees go on to question whether the union should have spent a lot of money on:

- supporting workers who have to strike to defend their jobs.

- investigating corruption.
- conducting the national membership vote last year on whether to solve the financial problems of the union through a dues increase or with more drastic reforms.

As Teamster members, the trustees have every right to argue that supporting striking Teamsters or conducting a membership vote on dues is not a good use of money.

But that has nothing to do with their job as trustees. If want to go back to the days of old guard priorities, they can do so by putting out their platform and running for General President or a position on the GEB.

The trustees claim Carey has not allowed them to review the financial records of the IBT.

However, they admit in their letter that the two items which they have been denied relate to ongoing investigations by attorneys and investigators working for the Ethical Practices Committee.

The International union contends that making public the names and

details in these records would compromise ongoing investigations of corruption within the union. For example, Trustee Robert Simpson has been charged with condoning corruption by the Independent Review Board. The trustees have records of all payments for investigations, but not the names.

The trustees have access to mountains of records. They review, for example, all the expenses of Carey and each elected member of the GEB and the International representatives. If anything is improperly accounted for, they should say so.

The trustees have complained that they were not allowed expert help in reviewing the books.

But in their letter they admit that they were provided with a CPA from the Grant Thornton accounting firm, which certifies IBT audits. They decided that the CPA was "no help."

The trustees claim that their rights to perform their job, as defined by the IBT Constitution, have been violated.

If their rights as trustees have been denied, that would be a clear violation of both the Labor Management Reporting and Disclosure Act (LMRDA) and the IBT Constitution. Why have they not gone to court, as any good watchdog would?

They certainly have the resources to do it. These are millionaires who have made huge multiple salaries off our union. They have both union and Royal Teamster attorneys at their disposal.

But just in case they need legal help, TDU is now offering them free advice—all they need to do is call and we'll explain the LMRDA to them and how to enforce it.

They don't go to court because they know they would be laughed out. They don't have a case because they have not been denied the ability to perform their job.

As for their goal of getting back to the priorities of the old guard, that will be decided by the members in the 1996 election.

Millionaires Scream about 'Perks'

The three IBT Trustees allege, through the Royal Teamsters, that Ron Carey is providing generous perks to IBT officers and staff. It's an odd charge, coming from those who found no problems at all with Jackie Presser and William McCarthy.

The trustees complain in particular about the policy of the Carey administration of providing an apartment in Washington, D.C., for a few officers and staff whose residence is in another part of the country. For example, IBT VP Aaron Belk lives with his family near Memphis but works as Carey's executive assistant in Washington.

They are entitled to their view on this—as any Teamster is—and they may have a point worth considering.

But coming from them, it's pure hypocrisy. Belk is paid \$90,000 per year; Walter Shea was paid \$150,000 for the same position under the old guard. The trustees never complained a word about that, and never mentioned that Carey saved the union \$60,000 per year on that one position.

Carey lowered the salaries of some other top posts similarly. Former Communications Director Duke Zeller was paid \$145,000, while the present director, Matt Witt, is paid \$80,000. The trustees haven't noticed.

The Royal Trustees didn't mind when former General President McCarthy used a private jet to fly home 24 times, at a cost of \$528,800. First class commercial travel would have cost just \$29,100. Carey doesn't have a jet, and he doesn't fly first class. Nor did they

notice that Presser's apartment, at union expense, had golden faucets and chandeliers (Carey has no union-paid apartment).

They didn't notice that McCarthy gave the printing contract for the *Teamster* magazine to his daughter and son-in-law, who didn't even own a printing press. Judge Lacey eliminated that deal and saved our union \$1.4 million. How did these three "watchdogs" fail to notice this incredible nepotism?

The trustees never cared when dozens of International rep appointments were nothing but multiple salaries to people, often relatives, who already had full-time union posts. Carey changed all that: he dumped the multiple salaries, froze the pay of International reps (\$62,500) and lowered the per diem expense allowance for travel. The average salary of Carey's officers and staff is 14 per cent lower than the salaries of the old guard they replaced.

The Royal Trustees again failed to notice when Presser and McCarthy enlarged multiple pension programs for officials, programs which the elected GEB has moved to curtail.

Carey continues to correct the abuses of the past, and members should expect no less. The trustees have every right to criticize Carey, but perhaps they should look at their own multiple salaries and their own record of tolerating incredible bloated salaries and perks for their friends, excesses that Carey has gone a long way to bring into line.

Who Are the Trustees?

There are three International union trustees. According to the IBT Constitution, their job is to review the books twice a year, with expert assistance. They are not members of the General Executive Board (GEB), the elected officers who set IBT policy.

The present trustees are Ben Leal, Robert DeRusha, and Robert Simpson. They are paid \$77,100 per year for two weeks' work: reviewing the IBT's audit twice a year. None of them have suggested saving union funds by cutting back on their own multiple salaries.

Ben Leal

- Appointed trustee by Jackie Presser in 1985. Reappointed by IBT Convention in 1986 and 1991.
- Voted out of office in San Francisco Local 856 by a reform slate in 1993.
- Presently on suspension from union membership for paying legal fees of his daughter with union funds (see below).
- Total union compensation in 1993 of \$195,352.

Leal Suspended from Membership

IBT Trustee Ben Leal has been suspended from membership in the Teamsters for four weeks. The charge against him, upheld by the GEB in January, was that he improperly and without authorization used union funds to pay his daughter's attorney.

Kathi Leal is the former office manager of San Francisco Local 856, which her father headed until he was voted out in 1993. She was also suspended from membership for four weeks, as was former officer Brad Tham. Tham's father Rudy left the secretary-treasurer position of Local

Robert DeRusha

- Appointed trustee by William McCarthy in 1989. Reappointed by IBT Convention in 1991.
- President of Local 437 (with 500 members) in Massachusetts.
- Testified in January before Election Officer against membership election of trustees.
- Total union compensation in 1993 of \$146,328.

Robert Simpson

- Appointed trustee by McCarthy in 1990. Reappointed by IBT Convention in 1991.
- Presently awaits decision from the Independent Review Board on charges of condoning corruption by allowing a banned former officer to serve as a representative of Chicago Local 743. Recently settled separate charge of embezzlement when three union autos which were given away were paid for.
- Total union compensation in 1993 of \$253,799.

856 when he went to prison.

Kathi Leal had been suspended from her position in 1992 in a settlement with the Independent Review Board. Her father and the Executive Board then paid her legal bills with union funds. This was found to be improper, since she had not been exonerated, and since it was done without the required prior approval of the members. The Leals also covered up the episode.

As a result of the suspension, it appears that Leal will be ineligible to run in the 1996 election since he'll lack 24 months of continuous good standing.

TDU Argues for Stronger Rules

Election Officer Concludes Hearings

Court-appointed Election Officer (EO) Amy Gladstein is concluding public hearings held across North America on her proposed election rules for the 1995-96 delegate and officer elections. TDU members have made their views felt and TDU is following up with input from our counsel and written submissions on the rules.

Old guard officials such as Rome Aloise in California and Robert DeRusha in Massachusetts have argued for watering down the rules. Meanwhile, their Real Teamster Caucus is trying to get hearings in Congress to cut off funding to the EO and thus eliminate supervision of the election altogether. They are circulating a petition nationally to try to get members behind their plot to end impartial election supervision.

The election rules process this year

is not eliciting the hot debate that it did five years ago. In that round, some 17 changes advocated by TDU later became part of the rules, helping to ensure fair elections.

This time the process is not starting from scratch, but on a foundation built from that experience. However, TDU is pressing for a number of important improvements, including:

- The proposed Local Union Plan (for delegate elections) submitted by local officials should be available to members, so they can comment on it to the EO. Also, the deadline for submitting the plan should be early enough to provide fair notice of those locals choosing to hold delegate elections concurrent with their fall union elections. The proposed deadline is June 30. We believe it should be May 15.

- Earlier availability of important information would further level the playing field. This includes earlier access to worksite lists, the date the ballots will be mailed, a list of stewards, and the membership list to accredited IBT candidates.
- Clarification that negative campaigning in union publications should result in access to those publications for the target of the negative campaign. (Numerous joint council and local union publications have been campaigning against Ron Carey and some against TDU.)

These are just some of the many suggestions that are being proposed for the rules. One important change TDU has suggested was quickly clarified favorably by the EO. She stated at the hearings that no delegate nominations will take place this December: those locals (the majority) holding delegate elections in the winter-spring will not be able to hold nominations until January. This is in line with the IBT Constitution.

Final rules are due out in mid-April, and will go into effect shortly thereafter.

Trustees Respond to Pressure

Refunds Due Self-Payers Who Failed to Get New Benefits

Over 10,000 petition signatures. Letters and complaints from Ron Carey, joint council heads, and local union officers. That's the kind of pressure it's taken to get a pulse out of our pension trustees in Central States. And no wonder, with three of the four trustees retired on multiple pensions. But the pulse is weak and the body still needs resuscitation.

The unfair and restrictive rule change on "buying time" remains in place. But, feeling the pressure, the trustees have announced two small reversals in policy on the amended rules.

For one, Teamsters who made (or will make) self-payments to cover unavoidable gaps caused by illness or injury will be entitled to the new, increased benefits. There's got to be a catch, right? There is. You can only pay in for a maximum of 30 days time lost in total, up to one year for time when you received workers comp. That's 30 days of lost time due to illness or injury over 30 years of work as a Teamster. There's no provision for people buying time for layoffs, a more common occurrence in the trucking industry.

In another small shift, the many Teamsters who paid in only to find out later they wouldn't qualify for new benefits are now entitled to a full refund. Some members had self-paid over \$10,000. When they demanded refunds the Fund said "no way, thank

you for playing at Central States Casino." But pressure from the membership forced their shift in position.

"It's a small and partial victory, but one that shows that rank and file pressure works, says Local 957 member Jerry Jewett, one of the organizers of the petition drive. "But this isn't the way members should have to get accountability out of the trustees. Why not let us directly elect the them?"

The original position on self-payment remains the same. So it's no time to back off, but to keep the pressure on. There are still too many problems with the way our pension fund is run to stop now.

R.V. Durham: Millionaire Unionist

R.V. Durham, who ran for IBT president in 1991 and wants to run in 1996, has taken a cash pay-out from one of his multiple-pension plans of over \$800,000. He recently cashed in on his Teamster Retirement and Family Protection pension, taking a lump-sum payment.

Unlike most working Teamsters' pensions, the multiple plans the old guard officials established do not have a clause prohibiting a pay out while still working. If Durham, president of North Carolina Local 391 and JC 9, decides to run in 1996 he has a nice start on his campaign fund.

New Central States Pension Trustee

Harold Leu has been voted out as one of four union trustees of the Central States Pension Fund. Leu's term expires April 1. He is replaced by Jerry Younger, head of Nebraska Local 554.

Voted out by the rank and file? No way. Is Younger the choice of the rank and file? Doubtful. Under the current system we'll never find out. How was the decision made?

Back in December, local union principal officers voted for their state's representative to the newly created Trustee Appointment Board (TAB). All states get equal say, so the representative from North Dakota, with roughly 2,000 Teamsters, has the same voting strength as the representative from Illinois, which has over 100,000

members. These 13 officers then voted for the open trustee position.

Final tally—nine votes for Younger, three for Leu, and one not voting.

The trustees and the system remain unaccountable to the membership. Who came up with this plan? The current trustees. Ron Carey, with support from the membership, continues searching for ways to bring democratic control to the trustee selection process. Members should let their local officers and the trustees know they want accountability and trustees who will really represent them.

We support having the directly elected vice presidents in the Central and Southern regions be the trustees of the fund. Let the members decide.

Carey Files RICO Suit Against Chicago Corruption

Standing beside two large bronze busts of former Local 705 head Dan Ligurotis, Ron Carey announced Feb. 6 that the International has filed suit against the local's former officials and attorney. They are charged with defrauding 705's pension and welfare funds of \$4 million. Carey announced the suit as part of "an offensive against corruption within our union."

Carey noted that the former officials were "very generous with the members' money." The busts he stood next to cost the union members \$14,000.

The suit was filed against William Dalesandro, former head of the union clinic; Sherman Carmell, attorney to the benefit funds and old guard officials; and Ligurotis. Ligurotis was banned from the union in 1993 for, among other charges, bringing a gun to the union hall. The gun was used in a shooting in which Ligurotis' son was killed.

The suit, filed under the Racketeer-Influenced and Corrupt Organizations (RICO) Act, charges that Ligurotis plotted with a known felon with organized crime ties to set up a fancy restaurant at the union hall. It closed in just seven months and the Local 705 pension fund lost \$2 million.

Another charge is that Ligurotis solicited a bribe from an air freight

employer, Amerford International, in exchange for a sweetheart deal.

The day after the suit was filed Carmell resigned as attorney for the Local 705 pension and welfare funds.

Meanwhile, the trusteeship which was imposed on Local 705 by the International to try to root out corruption is winding down and an election is in progress. Four slates are competing; two of them pro-Carey reform forces, and two from the old-guard faction that has ruled the local for many years.

Former Chicago Truck Driver Union Official Indicted

The former vice president and attorney for the Chicago Truck Drivers Union was charged in a 32-count federal indictment in January with taking more than \$500,000 in kickbacks from the union's pension and welfare plans.

Paul Glover was general counsel of the independent, non-Teamster union until 1992 when a dissident group ousted the officers. Glover now heads Glover & Associates, a union-busting firm that advises employers.

He was charged with racketeering, money laundering, tampering with a witness and filing false tax returns.

TDU Spirit Spreads to AFL-CIO?

The TDU spirit of a revitalized labor movement is apparently spreading within the AFL-CIO. There is mounting sentiment, even among top union officers, for AFL-CIO president Lane Kirkland to retire.

Kirkland has been president of the 14 million member federation of most U.S. unions for 16 years. He is seen by many progressive labor leaders and members as too bureaucratic and conservative in his approach.

A number of union presidents have been privately urging a change. In the past month several news stories have quoted union presidents who spoke anonymously.

Ron Carey is one union president who has spoken out publicly. He was reported in the *Wall Street Journal* as saying he would like to see a change toward a strong and innovative leader, such as Rich Trumka of the United Mine Workers.

At the AFL-CIO's winter meeting in February, Kirkland defended his record and said he has no plans to step aside.

Meanwhile, the newsletter Labor Notes is conducting an unauthorized "election" for a successor to Kirkland. Any union member can participate. Send your vote to Labor Notes, 7437 Michigan Ave., Detroit, Mich. 48210.

TDU, LOCAL UNION NEWS

TDU on the Move

TDU Chapters Meet, Plan for Delegate Races

Rank and file Teamsters are preparing for delegate and International elections, organizing campaigns for better contracts, and educating themselves and each other about their legal rights on the job, as a steward, and in the union. Delegate committees are forming and workshops on running for delegate will continue in chapters across the country in the months to come.

Kentucky TDUs Meet, Form Bluegrass Chapter

Some 70 Kentucky-area Teamsters turned out in late January to discuss the critical issues facing their locals, their crafts, and the International union. UPS, carhaul, and freight Teamsters from Lexington and Louisville, Ky., Cincinnati and as far away as Knoxville, Tenn., attended.

Long-time TDU activist George Beam gave a recap of Lexington Local 651's recent election, characterized by many as having irregularities.

The meeting provided an introduction to TDU for many newcomers and included discussion and planning for the upcoming delegate elections. Also discussed was the need to defend reform and the IBT Constitution from the old guard, getting and enforcing decent contracts, and building TDU in Kentucky.

Energy from the meeting was high and activists from the region immediately set up an organizational meeting to form the Bluegrass Chapter of TDU. The chapter will hold its first regular monthly meeting on March 4 (see TDU Meets, page 11). For further information call co-chairs Henry Tingle (502) 222-9036, Doug Roberts (606) 273-9109, or Matt Montgomery at (606) 885-6957.

Dayton, Ohio

On Jan. 28, 35 Dayton, Ohio, members of Local 957 met to receive stewards training, learn more about TDU and begin planning for the 1996 delegates elections. TDU organizer

This Bud's For You

Detroit Beer Truck Drivers Win \$20 Million Back Pay

Teamster drivers at five Metro Detroit beer distributors won an NLRB decision, hopefully ending a long struggle. The employers had unilaterally implemented a concessionary contract when talks broke off in 1991. On Dec. 1, 1994, an Administrative Law Judge with the NLRB ruled that the Detroit beer distributors bargained in bad faith, and rescinded the contract changes that the employers had illegally implemented. If this decision is upheld on appeal, the employers will have to compensate workers for lost wages and benefits

Bob Machado began the meeting with a stewards training class organized around the new video produced by the IBT Education Department, "Turning It Around."

The meeting was a mix of experienced TDU members and Teamsters new to our movement. As a result of a presentation on "TDU: Past, Present and Future," seven Local 957 members joined TDU. The meeting went on to discuss the importance of electing reform delegates to the IBT convention and to make initial plans to do so in Local 957. Enthusiasm was high for assisting IBT organizing efforts at Overnite by talking to Overnite drivers about the benefits of unionism over CBs, at truckstops, or wherever else rank and file Teamsters might run into them.

ABF yardman Jerry Jewett, who chaired the meeting, stressed, "the need for the members to be informed and the need to communicate that information to other members—that's what TDU is all about."

Cleveland

Thirty-eight TDU members met in Cleveland on Feb. 19. Locals 24, 92, 407, 507 and 964 were represented at the meeting. In addition to sharing information about events in the various locals and the IBT in general, the meeting discussed next year's delegate elections and our plans to form strong reform delegate slates throughout the greater Cleveland area. The meeting also received an update on the status of Overnite organizing throughout the country.

The spirit of the meeting was dampened by the news that reformers had narrowly failed in a bid to unseat the old guard in Cleveland Local 507.

In a fiercely competitive rerun election that saw a 73 percent voter turnout (an enormous turnout by Teamster standards) Steve French failed to unseat incumbent and heir to the Presser-Friedman machine Terry Freeman by a mere 35 votes—1,207 to 1,172.

amounting to as much as \$20 million. About 450 drivers and warehousemen, all members of Local 1038 in Detroit, will share the bounty.

The Detroit Teamsters, led by Local 1038 president Bob Knox, feared that replacement workers would take their job if they walked out and chose not to strike. Instead they continued to work under the imposed substandard contract and organized an area-wide information campaign and boycott of the distributors and continued legal actions. Their perseverance in taking on union-busting is paying off.

mere 35 votes—1,207 to 1,172.

Stockton, Calif.

Over 50 Teamsters from Stockton locals 439 and 601 and Modesto locals 386 and 748 in the San Joaquin valley gathered in February to hear International Vice President John Riojas report on current happenings in the IBT. Riojas spoke on current organizing efforts, and informed members that numerous workshops and seminars are available to local unions through the IBT Education Department, including stewards training, member organizing training, and more. Members should ask their local union officers about these programs. Riojas announced that for the first time in 14 years the IBT's finances are in the black and the drive toward a strong Teamsters union continues rolling.

Stockton Local 601 Secretary-Treasurer Lucio Reyes updated the meeting on the progress of the Diamond Walnut strike. Rudy Hernandez from Local 601 emphasized the importance of the upcoming delegate elections to the International Convention and how critical it is for all of us to get involved and active in these elections.

Minnesota

About 30 Teamsters gathered at Broadway Pizza in Minneapolis for the Feb. 19 TDU chapter meeting. Members shared local and International updates and then began a discussion of issues and concerns for the upcoming delegate and International elections. Members came away charged for the upcoming battles that will begin here in 1995. TDU candidates won delegate spots in three Minnesota locals in 1991. The chapter hopes to double that number.

Allentown, Pa., Local 773

New Plan of Action at UPS

Major changes have been seen by UPS Teamsters in the Allentown/Bethlehem building in Pennsylvania. Local 773 elected a new reform team officers in November of 1994.

Local 773 previously had no plan of action for UPS. That's changed. UPS business agent Patricia Franks, Local 773 vice president and former package car driver, has called regular monthly meetings with stewards to help combat problems at UPS such as a backlog of grievances, drivers working off the clock and supervisors working. Stewards are taking an active role in upholding the contract.

Monthly stewards meetings have improved communication. Stewards who don't normally see each other because of different shifts, etc., can now discuss their mutual problems. Stewards receive a follow-up letter after each meeting listing the results of all resolved grievances and an outline of

the items that were discussed. The next meeting is scheduled for May 21. Plans for delegate and campaign committee building will get underway by that time.

Evergreen Chapter

The Evergreen Chapter of TDU met on Feb. 11 in Tacoma, Wash., and elected a chapter steering committee for the coming year. TDU International Steering Committee member Pat McBride reports that the chapter plans to aggressively get involved in the upcoming delegate races in a number of locals. A meeting to make such plans will be held in late March.

Delegate Election Workshop Planned

TDUers and other interested reform-minded Teamsters will meet on April 2 in Hamel, Ill., for a workshop on how to run and win an election for delegate to the IBT Convention to be held in Philadelphia, July 15-19, 1996 (see TDU Meets, page 11 for details).

The International Convention is the highest body of the IBT and has the power to amend the IBT Constitution, define or limit the power of the General President and Executive Board, and generally set the direction for the International for the future. Control of a majority of the delegates is expected to be a major target of the Real Teamster Caucus and the other old guard officials who still retain control of a majority of locals.

Topics covered at the workshop will include the final version of the rules established by the Election Officer, how to put together a reform delegates slate, campaign literature, nuts-and-bolts campaigning, and other questions about putting together a winning campaign.

the items that were discussed.

To combat drivers sorting before their start time, the BA called a mass meeting with the package car drivers in the UPS building on Feb. 1 to discuss the problem. The stewards are patrolling the belts daily to monitor the problem. As a result, no one works in their truck before the start time anymore.

There are many more problems to combat at UPS, but the future looks a lot brighter for Local 773 UPSers. Communication and follow up are the key. Some poor grievances may have to be pulled, but now the business agent is willing to meet with members and explain why.

Bethlehem, Pa., UPS steward John Kohler said, "Our new leadership actually gives the stewards the strength we need to perform. The more effective our business agent is in doing her job for us, the more effective we can be as stewards."

New FMLA Rules Take Effect April 6, 1995

Bob Schwartz

Labor Attorney, Boston

After much delay, the U.S. Department of Labor (DOL) has issued final regulations applying the Family and Medical Leave Act (FMLA). The FMLA was enacted by Congress in 1993. It guarantees covered employees up to 12 weeks unpaid time off, with health insurance, for absences caused by medical problems, child birth, adoption or family illness.

In its final rules, the Labor Department resisted attempts by business interests to weaken the interim rules published in 1993. In most cases, the final rules improve the law in favor of employees.

Most importantly, the DOL did not weaken the definition of a serious

health condition as one resulting in incapacity for more than three consecutive days. Employers had sought a much longer period of incapacity, such as one week or one month.

As it stands now, employees qualify for FMLA protection if they incur a serious health problem which requires either an admission to a hospital or which incapacitates them for more than three days with continuing treatment from a health care provider. Continuing treatment can mean one visit plus a regimen of prescription medication.

The DOL also clarified that employees who suffer from chronic conditions such as asthma, arthritis, or back impairments qualify for FMLA protection even for absences of less

than three days and even for absences of one day or a few hours to receive medical treatment, up to a maximum of 12 weeks per year.

The FMLA protects thousands of employees who are absent because of legitimate medical or family reasons. The regulations forbid no-fault absenteeism policies which do not make exceptions for FMLA absences. Unions should use the FMLA in grievances and encourage members to file complaints with the Department of Labor.

The regulations also clarify employer requirements to provide FMLA notices. Under the new rules, when an employee notifies his or her employer that an absence is being taken for a reason which comes under the FMLA (serious health condition, childbirth, family illness, etc.), the employer must, *within two working days*, give the employee written notice designating the time off as coming under the FMLA. An employer which fails to so notify the employee cannot count the absence against the employee's 12-week FMLA leave time.

If an employee does not provide sufficient information for an employer to designate the absence FMLA leave, the employer can wait until it learns the reasons for the leave. When this oc-

curs, even if this is after the employee has returned to work, the employer must, within two business days, designate the absence as FMLA leave. Failure to do so extends the employee's available days off.

On the other hand, employees must give employers prompt notice that their leaves come under the FMLA. But an employee does not have to specifically state a desire for his or her absences to be classified as FMLA leave. It is sufficient if the employee gives the employer sufficient knowledge of the reasons for the absence. Employees who fail to give their employer notice that their leave is for an FMLA purpose cannot at some later date come under the FMLA's protection by retroactively claiming that their absence was for an FMLA purpose.

The final FMLA regulations should be available at local offices of the DOL Wage and Hour Division in March. Union activists should study the regulations and insist that employers follow them to the letter.

Bob Schwartz is a labor attorney from Boston and author of *Legal Rights of Union Stewards*, now in a new and updated version that includes information on the application of the FMLA.

Minnesota Conference Draws Hundreds

Mike Turnure

Local 320, U. of Minn.

Minneapolis

Some 500 union and community activists gathered in St. Paul, Minn., Feb. 3 and 4 for the third annual Meeting the Challenge Conference. The Meeting the Challenge Committee is a coalition of labor and community activists from the Twin Cities area. The committee conducts the conference and other events as a means of finding new and creative tactics to fight the battles of the 1990s. Many TDU members are active in committee activities.

The theme of this year's conference was "Strikes and Solidarity in the 1990s." Featured were striking workers from the highly visible Diamond Walnut and Staley struggles, as well as local Oil, Chemical, and Atomic Workers (OCAW) union members who are on strike against the locally based CFI corporation.

Various union and strike leaders from across the country shared their experiences of strike solidarity and mobilization, both past and present. This included Dave Yettaw from UAW Local 599 in Flint, Mich., Sue Wall from the Oregon Public Employees Union, and Triana Silton from the Justice for Janitors group in the Service Employees union. Other featured speakers included Moe Biller from the postal union, and Bob Wages from the OCAW.

A common thread to much of the discussion was the importance of involving all rank and file members, families, community, and other unions as a key part of any successful solidarity struggle.

Participants in the conference chose from numerous workshops and panel sessions where specific aspects of strike solidarity were examined. Former TDU organizer Michael Laslett, led a workshop on the Teamster freight and UPS strikes of 1994. Other workshops included a look at the global economy, critically challenging labor-management cooperation schemes, and learning how to give the boss an "art attack."

A high point of the conference was

the Solidarity Kids Theater. Kids and adults put on a historic quiz show and a contemporary dance routine. Mother Jones, A. Philip Randolph, and Joe Hill made cameo appearances to help out the theater.

It was an excellent weekend of fun and solidarity. There was a high level of enthusiasm and a great amount of information was shared. The event was free and open to the public. Donations from various local unions and conference participants helped support the conference. In addition, a collection of over \$1,700 was taken up for the striking chemical workers from the Twin Cities.

Labor Notes Conference

If you missed this conference, or even if you didn't, and it sounds like fun, plan on attending the Labor Notes Conference in Detroit the weekend of April 28-30. Over 1,000 activists from around the world will gather to tackle many of the same issues and much more. For more information on the conference see *Convoy Dispatch* #138, or call Labor Notes at (313) 842-6262.

It's the sort of grassroots activism that will revitalize the labor movement.

Get a Grip, Jack!

Jack Mogelson, recording-secretary of Minneapolis Local 320 and a leader of the Real Teamsters Caucus, recently compared former International Teamsters President Roy Williams, who went to jail for attempting to bribe a U.S. Senator, to Nelson Mandela, the president of South Africa who spent 27 years in prison under the apartheid regime for fighting for democracy. Unfortunately, Mogelson cannot tell the difference between a true hero and a complete disgrace. Williams believed that bribing politicians was a better strategy to fight deregulation than organizing members. Mandela understood that changes in society come about from the organization of ordinary people, which is what labor unions are about.

(Thanks to the "Rank & File News," the voice of the members in Minneapolis Local 320.)

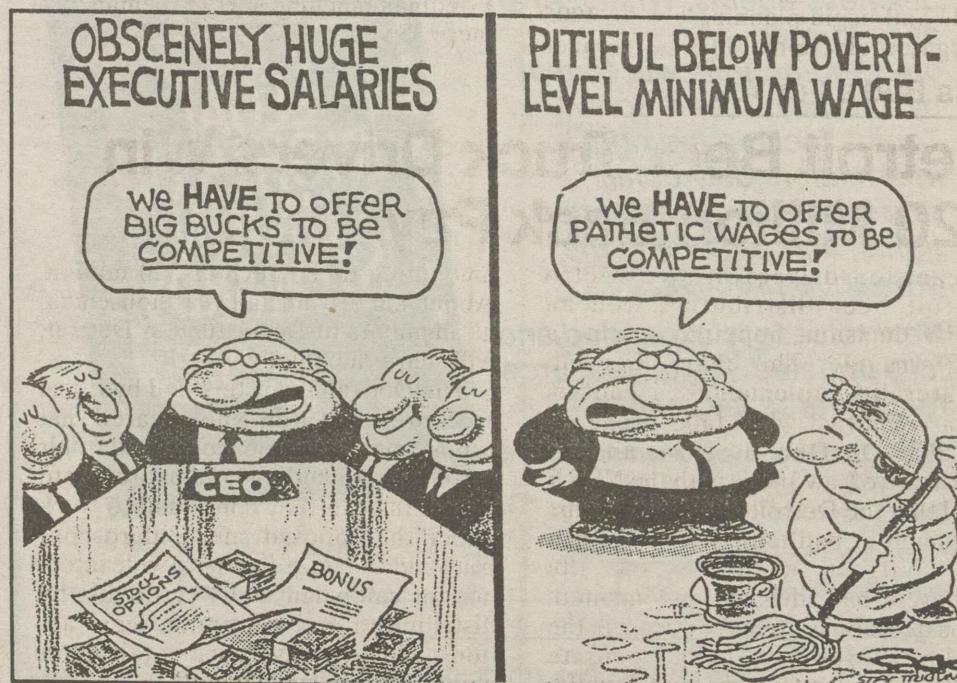
New Election Ordered in Boston Local 829

Joint Council 10 has ordered a rerun election in Boston Local 829. The order follows a hearing on protests filed by three challenging candidates after many improprieties were discovered in the handling and counting of ballots. Among the charges was the failure of the local union to establish a second post office box for undeliverable ballots. These were sent back to the local union office where they could have been handled by any incumbent officer.

The joint council ordered the rerun based on the failure of the local's election committee to provide proper safeguards for a free and fair election.

Furthermore, even though the joint council oversaw the first election, at the local union's request, they're saying they should conduct the rerun election as well. Gary Kenney, who is running for an elected business agent position, contends, "They oversaw the first election and botched it, why should they be able to conduct the rerun?" Kenney and the two other challengers are requesting that the International oversee this election and that it be conducted by a neutral third party.

Meanwhile, they continue campaigning and building a reform movement inside Local 829.



NEWS YOU CAN USE

Right of Stewards to Investigate Grievances

Union stewards have a right to investigate grievances, but the extent of the right can vary from one job to another.

Under the National Labor Relations Act (NLRA), unless the steward's rights have been specifically limited by a collective bargaining contract, all stewards have the right to conduct an investigation relevant to a grievance. All stewards can interview employees during breaks and before and after work. The NLRA does not guarantee stewards the right to do interviews, conduct a grievance investigation, or do other union business during work time. But many Teamster stewards do have this right by contract or past practice at the worksite.

If the consistent past practice at a company has been to allow union business to be carried on during work, the employer does not have the right to unilaterally reduce union-business time. So the boss who has allowed dues collection or other union business to go on at work is not legally allowed to just up and change the rules in order to prevent a steward from investigating a grievance. An employer who does so is guilty of an unfair labor practice.

Many union contracts provide for stewards to investigate grievances during work time, and to be paid for doing so.

The National Master Freight Agreement provides: "the job steward, or his/her designated alternate, shall be permitted reasonable time to investigate, present, and process grievances on the company property without loss of time or pay during his/her regular working hours." The contract further provides that all time spent on grievances during the regular work hours of

the steward "shall be considered in computing daily or weekly overtime."

The National Master UPS agreement contains similar language guaranteeing the steward or designated alternate reasonable time to investigate and process grievances and for this time to be included in computing overtime. The steward is explicitly required to notify the supervisor before leaving his/her regular work area and not to interrupt operations. The agreement specifically provides that UPS "shall not use interruption of operations as a subterfuge for denying" the steward's right to investigate.

The National Master Automobile Transporters Agreement, on the other hand, although it does recognize the union's right to designate stewards and the steward's right to investigate and present grievances, doesn't provide for the steward to do so on paid time. The Central/Southern States Area Supplement, covering Truckaway, City Delivery, Yard, Pull-out, Mounting Service and Garage, provides for stewards to be paid for up to 20 hours a month spent on grievances. Stewards working in small operations are required to document their time; those in larger units are routinely allowed the 20 hours. The Eastern Area Supplemental Agreement for these crafts has similar language, but the Western Area Agreements (which are separate agreements for Truckaway, Driveaway, Yard, Bay Area Yard, Automotive Shop, and Office) do not appear to have any special language for stewards. This is also true for the Central/Southern-Eastern Areas Driveaway Supplement.

Many local contracts also do not

provide for stewards to investigate or process grievances during regular work time. Since contract language varies on this, any steward would be well advised to be sure of the contract provisions and consult the local union rep before undertaking grievance work during regular work hours.

Instigating vs. Investigating Grievances

Lots of people, many of them employers, think that while it may be OK for a steward to investigate contract violations once a worker complains, a steward may not solicit or seek out grievances. Legally, this is exactly wrong. According to the National Labor Relations Board (NLRB), "The solicitation of grievances is a protected activity for stewards as well as other employees." Stewards are allowed by law to encourage employees to file grievances and can post and distribute literature (anywhere it is otherwise legal to post or distribute) urging employees to file grievances. Stewards are allowed to encourage group grievances, report to all members on the progress of a grievance, hold a meeting during a break or meal time to discuss a grievance, and solicit help in gathering information on grievances.

Expanding the Investigation: 'Discovery' in Grievance Processes

Employers sometimes claim that unions only have a right to information needed for contract negotiations. This is not so. The NLRB has held that unions also have a right to be given information relevant to contract enforcement. Stewards investigating a grievance can request any and all information that would be useful to the union in monitoring compliance with the contract, in preparing for a grievance meeting or an arbitration hearing, in helping to decide if a real grievance exists and to decide whether, or how, to proceed in the grievance process.

Employers have a very broad legal obligation to comply with these requests. For example, if a grievance involves interpretation of contract language, the employer may be required to supply their notes from the bargaining sessions. In a health and safety grievance the employer may be required to supply a list of workers made sick or injured by the situation being grieved, to supply information on chemicals or other materials being used, or to permit inspection by an outside expert, such as an industrial hygienist, chosen by the union. Specific circumstances will determine what information the NLRB will order an employer to supply, but among the information requests that have succeeded are requests for copies of collective bargaining agreements with other units and in other facilities, contracts with customers, with suppliers, and with sub-contractors, customers lists, customer complaints, inspection records, personnel files and many

others.

The employer's obligation to supply information runs to the union, not to an individual grievant, so you will need the support of the local union to succeed in these requests. Broad information requests are a good idea. They strengthen the hand of the union and make employers think twice about violating the contract and workers' rights.

Information in this article is taken from "The Legal Rights of Union Stewards" by Robert Schwartz, as well as from the relevant contracts referred to above.

What Constitutes a Grievance?

A grievance is a violation of the contract, or other unjust situation which management has the power to correct.

Violations of the contract. Many grievances involve clear-cut contract violations. Others may be borderline cases where two or more clauses seem to be in conflict. Clear-cut violations are the easiest grievances to win.

Violations of past practice. Arbitrators will often consider long-standing practices, accepted by union and management, as having a bearing on the rights of both parties.

The national Teamster contracts explicitly recognize past practice (maintenance of standards).

Violations of municipal, state or federal law. Regardless of contract provisions or past practices, companies cannot violate the law. A steward may find grievances which involve violations of the Fair Labor Standards Act (minimum wage provisions, child labor, etc.); the Occupational Safety and Health Act (OSHA); or equal employment legislation.

Discrimination and violation of a worker's rights. Discrimination occurs when two people are treated differently under the same conditions, in such a way as to harm or treat unequally one of the two.

While the word discrimination leads many people to think immediately of race or sex, there are many other bases on which individuals may be discriminated against. Age, personality, looks, previous experiences or union activity are just some of them.

One of the many difficulties with grievances based on discrimination is that they're often hard to prove. The word should not be used lightly as an excuse or as a substitute for stronger grounds. Nor, on the other hand, should complaints involving discrimination be lightly dismissed.

Violation of company rules. In a few cases it can be proven that a company is violating its own regulations to the harm of one or more workers. A drunk foreman (violating the nonintoxicants rule) may be causing problems. A personnel regulation may be overlooked in hiring or firing, thus providing the grounds for a grievance.

New, Updated Version Now Available!

The Legal Rights of Union Stewards

A comprehensive explanation of the rights of union stewards, officers and business agents. Written in an easy-to-read, question-and-answer format by attorney Robert Schwartz. Topics include the right to information, duty of fair representation, Weingarten rights, and protecting the grievance process.

New release is expanded and fully updated. A vital resource for stewards and activists.

Price: \$9.95 each (postage and handling included).

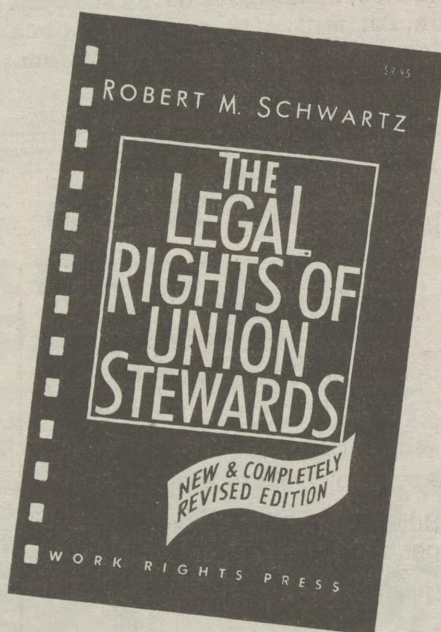
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LETTERS FROM OUR MEMBERS

'Vote Them Out!'

I have 18 years of experience as a discontented, uninformed and lied-to member of Minneapolis Local 320. I'm tired of it! What can be done about it? The answer is simple: the rank and file must take back our local.

I read the following, and it is something every union member should remember. "Successful local unions are 'owned' by their members. Members make it all possible by creating bylaws, electing officers, paying dues and making decisions. They can overrule their leadership by voting them out of office. The power of the leadership is derived from the membership."

This is the year to vote them out. We can then move into 1996 to help re-elect President Ron Carey. We can't let our union go back to the old guard, as we would lose the democracy we have gained over the last five years. The old guard would stifle the members' voice in our union, and operate the union to line their own pockets as has been the case in the past.

Joanne Derby
Local 320, Wadena County
Minneapolis

UPS Contract Carriers: What's Going On?

National UPS contract language states that UPS cannot use contract carriers outside of peak season if any drivers are available to do the work. But here in Lexington, Ky., Local 651, with drivers who have not worked more than 10 days this year and approximately 41 drivers on call, UPS is bypassing us by using Apollo Freight and other carriers to haul our loads from Chicago and Louisville, Ky., to Greensboro, N.C. These drivers have told us that they have contracts to haul these loads every day while our drivers are without work. We understand that we are not the only hub affected by this. What's

going on, Ron Carey?

Local 651 just finished with a local election. During the campaign our old guard candidate for BA was at UPS every day campaigning. Why isn't he here now? The local has left it up to us to send them information concerning every contractor UPS loads either onto UPS property or on the road. The local also has told our drivers they cannot file a grievance concerning the bypass loads because it is the responsibility of the originating hub. They even told us that they sent the information we collected to the International and were told by Carey that it was a local problem, not the International's. A newly elected trustee told us that if we want results we should vote for Jimmy Hoffa Jr.

We have since found out from TDU that anyone affected by this work bypassing our hub can file a grievance. What's going on, Local 651?

Thanks to TDU we now have some help with questions concerning our jobs and our union, and feel we can see daylight at the end of the tunnel. The majority of us trust Ron Carey and support him fully. We just want to know, what's going on?

UPS Feeder Drivers
Local 651
Lexington, Ky.

Crucial Year Ahead

Keep up the good work. There is a lot of educating to be done yet and a crucial year approaching.

We've got our union on the right track, let's keep it there.

Robert Donovan
Local 421; Flexsteel Ind., retired
Dubuque, Iowa

Old Guard Will Unite Around Perks

In *Convoy Dispatch* #138 you report that VP Sam Theodus says "that term 'old guard' is crap." I was tipped off that Theodus was a Judas before his recent turn. It was when he told me that he does not support a member's right to return to their job after serving the union.

This reform now covers all freight, UPS and carhaul Teamsters, thanks to Ron Carey. Unfortunately it is not retroactive, so it does not help long-time reform officers such as myself who may have lost an election and cannot return to our jobs. (Officers who are cozy with employers usually have no trouble finding employment.) The old guard refused to allow such a provision in contracts.

Theodus says he wants to unify the Teamster officialdom. That's easy—just pledge to take this seniority protection out of contracts to eliminate rank and file challengers, and give the old guard officials back multiple salaries and four or five pension plans.

There are a lot of good officers, but many are old guard crap, with no regard for union principles. They will be uniting in the coming IBT election

around restoring perks for themselves.

It will be played out in 1996 and we will either go forward or backward.

Charlie Teas
Local 413 former secretary-treasurer
Columbus

Old Guard Weakening Local

This summer I will celebrate my first year in TDU. I have been totally supportive of TDU ever since I read my first *Convoy Dispatch*. I've been a Teamster in Local 430 for about seven and a half years. I sadly admit that at times I was discouraged about certain issues and dismayed by certain people and their ethics.

Right now my local is weakened by old guard supporters. It's amazing how this philosophy, this cancer, spread down to the stewards in my barn. They go around spouting off anti-Carey statements, but when you ask them a question regarding issues in our barn and local they say "I don't know." or act as though they had never heard about the issue before. One of their favorite lines is, "You won't win that grievance, so don't file. However, if one of their pals has a grievance they will settle that. I look forward to the day when we have fair steward elections in my local.

I have a special request for anyone who is interested. I am interested in corresponding with TDUs who have started TDU groundwork in their barns. In addition, I work in the wholesale grocery business, and would like to talk to fellow grocery warehouse workers (especially those involved with Fleming/Scrivner Foods Inc.). Besides these special requests, if any TDU member would be interested in corresponding, I would welcome your letters. Please write to: 345 Hillview Dr., Mt. Wolf, Pa. 17347.

Todd Furst
Local 430, Fleming Foods
York, Pa.

Correction

The February issue of *Convoy Dispatch* printed an incorrect date for the 1996 IBT Convention. The convention will be held the week of July 15 in Philadelphia.

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TDU Meets

ARIZONA
Saturday, March 18
1 p.m.
9043 N. 36 Dr.
Phoenix
Meeting and Potluck Dinner
Guest Speaker: Bob Machado

ATLANTA
Second Saturday each month
7:30 p.m.
John C. Birdine Community Center
215 Lakewood Way S.E.

BLUEGRASS CHAPTER
Saturday, March 4
1 p.m.
Best Western Motel
Exit 58 off I-64
Frankfort, Ky.

CONNECTICUT/W. MASS.
Sunday, March 5
10 a.m.
Red Bull Inn
Waterbury, Ct.
Guest speaker: Hemant Damle

EAST BAY, CALIF.
Saturday, April 8
10 a.m.
Call (510) 653-3865 for information.

EASTERN MASS./R.I.
Saturday, March 4
10 a.m.
Mansfield VFW Hall
88 Chilson Ave.
Rt. 106 to Mansfield Center
Guest speaker: Hemant Damle
Call (508) 697-3431 for information.

EVERGREEN CHAPTER TDU
Delegate election planning session
Saturday, March 25
Time and place to be announced.

GATEWAY AREA CHAPTER
Sunday, April 2
2 p.m.
Innkeeper Restaurant
Exit 30 off I-55
Hamel, Ill.

KALAMAZOO, MICH.
Sunday, March 5
12 noon
Holiday Inn
I-94 at Sprinkle Rd.
Guest speaker: Don Stone

NEW MEXICO
Sunday, March 19
10:30 a.m. & 2:30 p.m.
American Legion Post 13
I-25 & Lomas
Albuquerque, N.M.
Guest Speaker: Bob Machado

SOUTHERN CALIF.
Sunday, April 2
10 a.m.
VFW Hall
101 S. Main St.
Pomona, Calif.

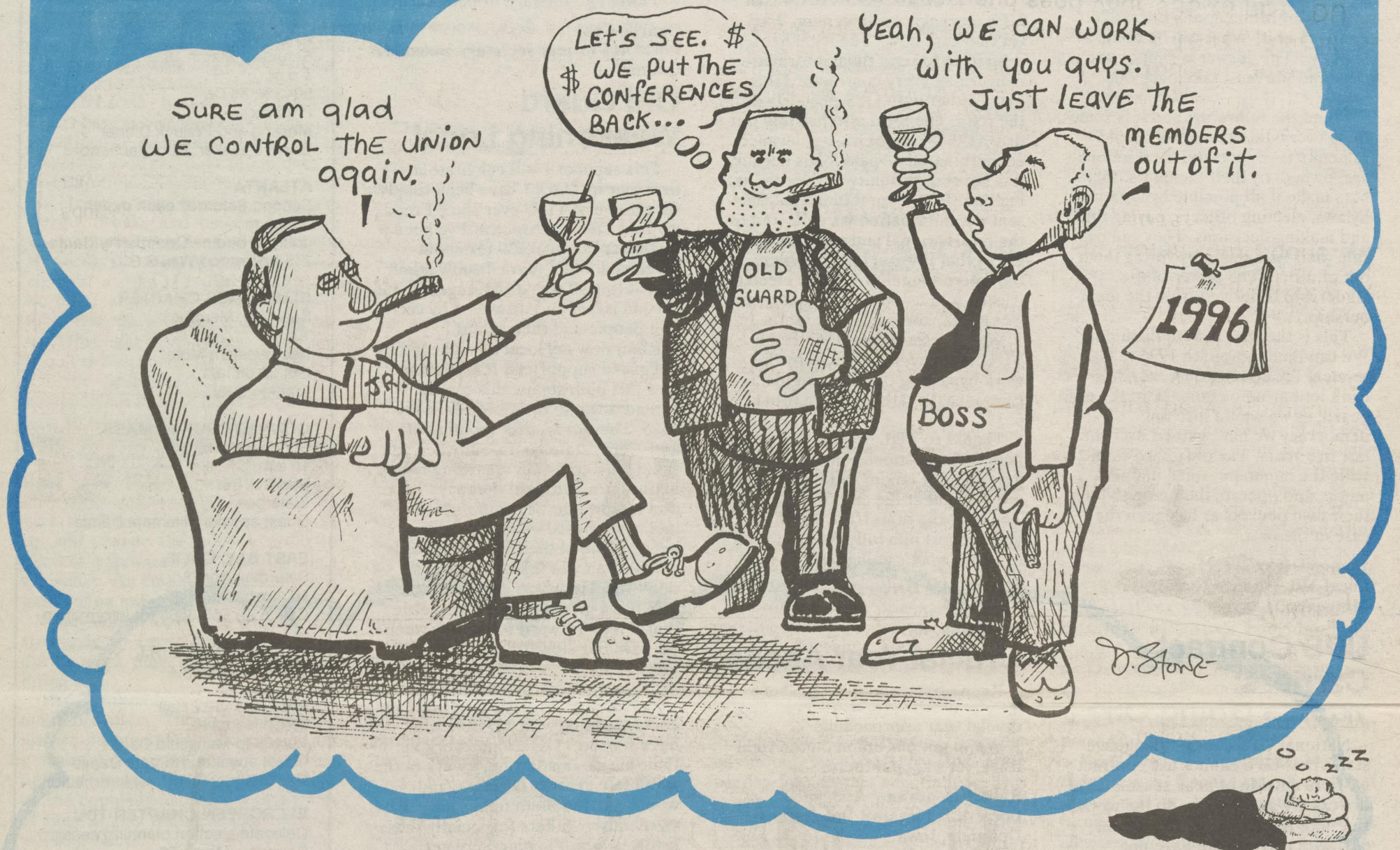
STOCKTON, CALIF.
Saturday, April 8
5 p.m.
2633 Togninali Lane
Guest speaker: Bob Machado

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Teamster Reform in '96
NOT ONE STEP BACK!
Teamsters for a Democratic Union

Buttons available from TDU. 50 cents each; 25 cents each for 10 or more. Send full name and address to TDU, Box 10128, Detroit, MI 48210.

A Teamster Nightmare ...



Don't Let It Happen!

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TDU MEMBERSHIP APPLICATION

Name _____ Local # _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Company _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production

☐ Other _____ Optional: Spouse's name _____

☐ \$35 one-year's membership & subscription to *Convoy Dispatch*.

☐ \$85 three-year membership fee. (\$10 shall be rebated to the local chapter.)

☐ \$20 for spouses, retirees and Teamsters who gross less than \$17,000 a year.

☐ Check or money order

☐ Mastercard/Visa # _____ Exp. date ____/____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential.

TDU solicits and accepts membership applications and donations only from Teamsters, and from individual retired Teamsters and spouses who are not employers.

It is a nightmare—the old guard back in control of our union, leaving the members without a voice. Imagine them controlling the 1996 IBT Convention, rewriting the constitution of our union in their favor, then winning the election for International officers. All of the reforms that we worked so hard for, gone.

It could happen—but only if you let it!

What You Can Do

The old guard can only win if the members don't become involved. And the best way to be involved is to join the movement that has fought for a strong, democratic Teamsters union since 1976. Just fill out the coupon at left and send your \$35 to join TDU.

Your support can make the difference, and keep 1996 from turning into a nightmare.